

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent

Application Publication Number 2004/0011098 to Yang.

Yang discloses a dial lock for a traveling bag, comprising a dial lock mechanism (3) including a bolt (5) rotatable between a locking position and an unlocking position (figures 8 and 9), and a plurality of dials (31) mounted through spacers (32) on the bolt, an operation section (1) for permitting the bolt to be rotated by a common key (via key hole 111), the operation section including a rotatable key hole plate (11) provided with a key hole (111) for the common key, and a stationary support plate (72) rotatably supporting the rotatable key hole plate and having a colored area (surface of the lid 72), the rotatable key hole plate being cut off at opposite ends in a radial direction to form a substantial oval-like configuration (figure 2 shows the grasping portion of the rotary plate is oval-like), the bolt being provided on an end with a pressing portion (52), when the common key is inserted into the key hole and the pressing portion of the bolt is actuated, the bolt being rotated between the locking position and the unlocking position (paragraph 27), and when the bolt is in the unlocking position, the colored area of the stationary support plate being exposed through cutoff ends of the rotatable key hole plate (the surface of the lid is always visible in either the unlocking position or locking position), as in claim 1.

Response to Arguments

Applicant's arguments filed August 27, 2009 have been fully considered but they are not persuasive. In response to the argument that Yang does not disclose a stationary support plate having a colored area, the examiner respectfully disagrees. The examiner states that the claim only recites "a stationary support plate rotatably supporting the rotatable key hole plate and having a colored area," and "when the bolt is in the unlocking position, the colored area of the stationary support plate being exposed through cutoff ends of the rotatable key hole plate"; accordingly, Yang discloses the lid 72 that rotatably supports the key hole plate, via hole 721, and the lid is manufactured from some color, as a clear lid would be counter-effective against protecting the correct combination for the dials, where the surface of the lid is always visible in either the unlocking position or locking position, as the claims are absent of any separate and distinct indicating positions or conditions.

Regarding the argument that Yang does not disclose a pressing portion, the examiner respectfully disagrees. The examiner states that the applicant has mischaracterized the reference, as element 4 is not in any manner a bolt, rather, it is a shaft that retains the dials in a rotational manner. Yang discloses element 5 as functioning substantially identical to the claimed bolt. Where element 5 has a protruding member 52 that inter-engages with element 2 to allow locking and unlocking of the lock, when a key is inserted into the key hole and the pressing portion of the bolt is actuated, the bolt being rotated between the locking position and the unlocking position, as disclosed in paragraph 27.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

Christopher Boswell
Examiner
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CJB /cb/
January 5, 2010